

116TH CONGRESS  
1ST SESSION

# H. R. 3572

To require States to carry out congressional redistricting in accordance with plans developed and enacted into law by independent redistricting commissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Ms. LOFGREN (for herself, Ms. BROWNLEY of California, Mr. LOWENTHAL, Mr. PETERS, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. VARGAS, Mr. DESAULNIER, Mrs. TORRES of California, Mr. CÁRDENAS, Ms. ROYBAL-ALLARD, Mr. CORREA, Mr. GARAMENDI, Ms. MATSUI, Mr. TAKANO, Mr. COX of California, Ms. PORTER, Mr. CARBAJAL, Mr. GOMEZ, Mr. SCHIFF, Mr. ROUDA, Mr. SWALWELL of California, Mr. TED LIEU of California, Ms. ESHOO, Mrs. DAVIS of California, Mr. BERA, Mr. KHANNA, Mr. COSTA, Mr. AGUILAR, Mr. CISNEROS, Mr. HUFFMAN, Mr. SHERMAN, Ms. JUDY CHU of California, Mr. RUIZ, Ms. SPEIER, Mr. HARDER of California, Mr. MCNERNEY, and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require States to carry out congressional redistricting in accordance with plans developed and enacted into law by independent redistricting commissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**  
 2 **AUTHORITY; TABLE OF CONTENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
 4 “Redistricting Reform Act of 2019”.

5 (b) **FINDING OF CONSTITUTIONAL AUTHORITY.**—  
 6 Congress finds that it has the authority to establish the  
 7 terms and conditions States must follow in carrying out  
 8 congressional redistricting after an apportionment of  
 9 Members of the House of Representatives because—

10 (1) the authority granted to Congress under ar-  
 11 ticle I, section 4 of the Constitution of the United  
 12 States gives Congress the power to enact laws gov-  
 13 erning the time, place, and manner of elections for  
 14 Members of the House of Representatives; and

15 (2) the authority granted to Congress under  
 16 section 5 of the fourteenth amendment to the Con-  
 17 stitution gives Congress the power to enact laws to  
 18 enforce section 2 of such amendment, which requires  
 19 Representatives to be apportioned among the several  
 20 States according to their number.

21 (c) **TABLE OF CONTENTS.**—The table of contents of  
 22 this Act is as follows:

Sec. 1. Short title; finding of constitutional authority; table of contents.

**TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING**

Sec. 101. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 102. Ban on mid-decade redistricting.

## TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS

- Sec. 201. Independent redistricting commission.  
 Sec. 202. Establishment of selection pool of individuals eligible to serve as members of commission.  
 Sec. 203. Criteria for redistricting plan by independent commission; public notice and input.  
 Sec. 204. Establishment of related entities.  
 Sec. 205. Report on diversity of memberships of independent redistricting commissions.

## TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

- Sec. 301. Enactment of plan developed by 3-judge court.  
 Sec. 302. Special rule for redistricting conducted under order of Federal court.

## TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

- Sec. 401. Payments to States for carrying out redistricting.  
 Sec. 402. Civil enforcement.  
 Sec. 403. State apportionment notice defined.  
 Sec. 404. No effect on elections for State and local office.  
 Sec. 405. Effective date.

1 **TITLE I—REQUIREMENTS FOR**  
 2 **CONGRESSIONAL REDIS-**  
 3 **TRICTING**

4 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO**  
 5 **BE CONDUCTED THROUGH PLAN OF INDE-**  
 6 **PENDENT STATE COMMISSION.**

7 (a) USE OF PLAN REQUIRED.—Notwithstanding any  
 8 other provision of law, and except as provided in sub-  
 9 section (c) and subsection (d), any congressional redis-  
 10 tricting conducted by a State shall be conducted in accord-  
 11 ance with—

12 (1) the redistricting plan developed and enacted  
 13 into law by the independent redistricting commission  
 14 established in the State, in accordance with title II;  
 15 or

1           (2) if a plan developed by such commission is  
2           not enacted into law, the redistricting plan developed  
3           and enacted into law by a 3-judge court, in accord-  
4           ance with section 301.

5           (b) CONFORMING AMENDMENT.—Section 22(c) of  
6           the Act entitled “An Act to provide for the fifteenth and  
7           subsequent decennial censuses and to provide for an ap-  
8           portionment of Representatives in Congress”, approved  
9           June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking  
10          “in the manner provided by the law thereof” and insert-  
11          ing: “in the manner provided by the Redistricting Reform  
12          Act of 2019”.

13          (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—  
14          Subsection (a) does not apply to any State in which, under  
15          law in effect continuously on and after the date of the  
16          enactment of this Act, congressional redistricting is car-  
17          ried out in accordance with a plan developed and approved  
18          by an independent redistricting commission which is in  
19          compliance with each of the following requirements:

20                  (1) PUBLICLY AVAILABLE APPLICATION PROC-  
21                  ESS.—Membership on the commission is open to citi-  
22                  zens of the State through a publicly available appli-  
23                  cation process.

24                  (2) DISQUALIFICATIONS FOR GOVERNMENT  
25                  SERVICE AND POLITICAL APPOINTMENT.—Individ-

1 uals who, for a covered period of time as established  
2 by the State, hold or have held public office, individ-  
3 uals who are or have been candidates for elected  
4 public office, and individuals who serve or have  
5 served as an officer, employee, or paid consultant of  
6 a campaign committee of a candidate for public of-  
7 fice are disqualified from serving on the commission.

8 (3) SCREENING FOR CONFLICTS.—Individuals  
9 who apply to serve on the commission are screened  
10 through a process that excludes persons with con-  
11 flicts of interest from the pool of potential commis-  
12 sioners.

13 (4) MULTI-PARTISAN COMPOSITION.—Member-  
14 ship on the commission represents those who are af-  
15 filiated with the two political parties whose can-  
16 didates received the most votes in the most recent  
17 Statewide election for Federal office held in the  
18 State, as well as those who are unaffiliated with any  
19 party or who are affiliated with political parties  
20 other than the two political parties whose candidates  
21 received the most votes in the most recent Statewide  
22 election for Federal office held in the State.

23 (5) CRITERIA FOR REDISTRICTING.—Members  
24 of the commission are required to meet certain cri-  
25 teria in the map drawing process, including mini-

1 mizing the division of communities of interest and a  
2 ban on drawing maps to favor a political party.

3 (6) PUBLIC INPUT.—Public hearings are held  
4 and comments from the public are accepted before  
5 a final map is approved.

6 (7) BROAD-BASED SUPPORT FOR APPROVAL OF  
7 FINAL PLAN.—The approval of the final redistricting  
8 plan requires a majority vote of the members of the  
9 commission, including the support of at least one  
10 member of each of the following:

11 (A) Members who are affiliated with the  
12 political party whose candidate received the  
13 most votes in the most recent Statewide election  
14 for Federal office held in the State.

15 (B) Members who are affiliated with the  
16 political party whose candidate received the sec-  
17 ond most votes in the most recent Statewide  
18 election for Federal office held in the State.

19 (C) Members who not affiliated with any  
20 political party or who are affiliated with polit-  
21 ical parties other than the political parties de-  
22 scribed in subparagraphs (A) and (B).

23 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)  
24 does not apply to the State of Iowa, so long as congres-  
25 sional redistricting in such State is carried out in accord-

1 ance with a plan developed by the Iowa Legislative Serv-  
2 ices Agency with the assistance of a Temporary Redis-  
3 tricting Advisory Commission, under law which was in ef-  
4 fect for the most recent congressional redistricting carried  
5 out in the State prior to the date of the enactment of this  
6 Act and which remains in effect continuously on and after  
7 the date of the enactment of this Act.

8 **SEC. 102. BAN ON MID-DECADE REDISTRICTING.**

9 A State that has been redistricted in accordance with  
10 this Act and a State described in section 101(c) or section  
11 101(d) may not be redistricted again until after the next  
12 apportionment of Representatives under section 22(a) of  
13 the Act entitled “An Act to provide for the fifteenth and  
14 subsequent decennial censuses and to provide for an ap-  
15 portionment of Representatives in Congress”, approved  
16 June 18, 1929 (2 U.S.C. 2a), unless a court requires the  
17 State to conduct such subsequent redistricting to comply  
18 with the Constitution of the United States, the Voting  
19 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Con-  
20 stitution of the State, or the terms or conditions of this  
21 Act.

22 **TITLE II—INDEPENDENT**  
23 **REDISTRICTING COMMISSIONS**

24 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

25 (a) APPOINTMENT OF MEMBERS.—

1           (1) IN GENERAL.—The nonpartisan agency es-  
2           tablished or designated by a State under section  
3           204(a) shall establish an independent redistricting  
4           commission for the State, which shall consist of 15  
5           members appointed by the agency as follows:

6                   (A) Not later than October 1 of a year  
7                   ending in the numeral zero, the agency shall, at  
8                   a public meeting held not earlier than 15 days  
9                   after notice of the meeting has been given to  
10                  the public, first appoint 6 members as follows:

11                           (i) The agency shall appoint 2 mem-  
12                           bers on a random basis from the majority  
13                           category of the approved selection pool (as  
14                           described in section 202(b)(1)(A)).

15                           (ii) The agency shall appoint 2 mem-  
16                           bers on a random basis from the minority  
17                           category of the approved selection pool (as  
18                           described in section 202(b)(1)(B)).

19                           (iii) The agency shall appoint 2 mem-  
20                           bers on a random basis from the inde-  
21                           pendent category of the approved selection  
22                           pool (as described in section 202(b)(1)(C)).

23                   (B) Not later than November 15 of a year  
24                   ending in the numeral zero, the members ap-  
25                   pointed by the agency under subparagraph (A)

1 shall, at a public meeting held not earlier than  
2 15 days after notice of the meeting has been  
3 given to the public, then appoint 9 members as  
4 follows:

5 (i) The members shall appoint 3 mem-  
6 bers from the majority category of the ap-  
7 proved selection pool (as described in sec-  
8 tion 202(b)(1)(A)).

9 (ii) The members shall appoint 3  
10 members from the minority category of the  
11 approved selection pool (as described in  
12 section 202(b)(1)(B)).

13 (iii) The members shall appoint 3  
14 members from the independent category of  
15 the approved selection pool (as described in  
16 section 202(b)(1)(C)).

17 (2) RULES FOR APPOINTMENT OF MEMBERS  
18 APPOINTED BY FIRST MEMBERS.—

19 (A) AFFIRMATIVE VOTE OF AT LEAST 4  
20 MEMBERS.—The appointment of any of the 9  
21 members of the independent redistricting com-  
22 mission who are appointed by the first members  
23 of the commission pursuant to subparagraph  
24 (B) of paragraph (1), as well as the designation  
25 of alternates for such members pursuant to

1           subparagraph (B) of paragraph (3) and the ap-  
2           pointment of alternates to fill vacancies pursu-  
3           ant to subparagraph (B) of paragraph (4), shall  
4           require the affirmative vote of at least 4 of the  
5           members appointed by the nonpartisan agency  
6           under subparagraph (A) of paragraph (1), in-  
7           cluding at least one member from each of the  
8           categories referred to in such subparagraph.

9           (B) ENSURING DIVERSITY.—In appointing  
10          the 9 members pursuant to subparagraph (B)  
11          of paragraph (1), as well as in designating al-  
12          ternates pursuant to subparagraph (B) of para-  
13          graph (3) and in appointing alternates to fill  
14          vacancies pursuant to subparagraph (B) of  
15          paragraph (4), the first members of the inde-  
16          pendent redistricting commission shall ensure  
17          that the membership is representative of the de-  
18          mographic groups (including racial, ethnic, eco-  
19          nomic, and gender) and geographic regions of  
20          the State, and provides racial, ethnic, and lan-  
21          guage minorities protected under the Voting  
22          Rights Act of 1965 with a meaningful oppor-  
23          tunity to participate in the development of the  
24          State’s redistricting plan.

1           (3) DESIGNATION OF ALTERNATES TO SERVE  
2           IN CASE OF VACANCIES.—

3           (A) MEMBERS APPOINTED BY AGENCY.—

4           At the time the agency appoints the members  
5           of the independent redistricting commission  
6           under subparagraph (A) of paragraph (1) from  
7           each of the categories referred to in such sub-  
8           paragraph, the agency shall, on a random basis,  
9           designate 2 other individuals from such cat-  
10          egory to serve as alternate members who may  
11          be appointed to fill vacancies in the commission  
12          in accordance with paragraph (4).

13          (B) MEMBERS APPOINTED BY FIRST MEM-  
14          BERS.—At the time the members appointed by  
15          the agency appoint the other members of the  
16          independent redistricting commission under  
17          subparagraph (B) of paragraph (1) from each  
18          of the categories referred to in such subpara-  
19          graph, the members shall, in accordance with  
20          the special rules described in paragraph (2),  
21          designate 2 other individuals from such cat-  
22          egory to serve as alternate members who may  
23          be appointed to fill vacancies in the commission  
24          in accordance with paragraph (4).

1           (4) APPOINTMENT OF ALTERNATES TO SERVE  
2           IN CASE OF VACANCIES.—

3           (A) MEMBERS APPOINTED BY AGENCY.—If  
4           a vacancy occurs in the commission with respect  
5           to a member who was appointed by the non-  
6           partisan agency under subparagraph (A) of  
7           paragraph (1) from one of the categories re-  
8           ferred to in such subparagraph, the agency  
9           shall fill the vacancy by appointing, on a ran-  
10          dom basis, one of the 2 alternates from such  
11          category who was designated under subpara-  
12          graph (A) of paragraph (3). At the time the  
13          agency appoints an alternate to fill a vacancy  
14          under the previous sentence, the agency shall  
15          designate, on a random basis, another indi-  
16          vidual from the same category to serve as an al-  
17          ternate member, in accordance with subpara-  
18          graph (A) of paragraph (3).

19          (B) MEMBERS APPOINTED BY FIRST MEM-  
20          BERS.—If a vacancy occurs in the commission  
21          with respect to a member who was appointed by  
22          the first members of the commission under sub-  
23          paragraph (B) of paragraph (1) from one of the  
24          categories referred to in such subparagraph, the  
25          first members shall, in accordance with the spe-

1           cial rules described in paragraph (2), fill the va-  
2           cancy by appointing one of the 2 alternates  
3           from such category who was designated under  
4           subparagraph (B) of paragraph (3). At the time  
5           the first members appoint an alternate to fill a  
6           vacancy under the previous sentence, the first  
7           members shall, in accordance with the special  
8           rules described in paragraph (2), designate an-  
9           other individual from the same category to  
10          serve as an alternate member, in accordance  
11          with subparagraph (B) of paragraph (3).

12           (5) REMOVAL.—A member of the independent  
13          redistricting commission may be removed by a ma-  
14          jority vote of the remaining members of the commis-  
15          sion if it is shown by a preponderance of the evi-  
16          dence that the member is not eligible to serve on the  
17          commission under section 202(a).

18           (b) PROCEDURES FOR CONDUCTING COMMISSION  
19          BUSINESS.—

20           (1) CHAIR.—Members of an independent redis-  
21          tricting commission established under this section  
22          shall select by majority vote one member who was  
23          appointed from the independent category of the ap-  
24          proved selection pool described in section  
25          202(b)(1)(C) to serve as chair of the commission.

1 The commission may not take any action to develop  
2 a redistricting plan for the State under section 203  
3 until the appointment of the commission's chair.

4 (2) REQUIRING MAJORITY APPROVAL FOR AC-  
5 TIONS.—The independent redistricting commission  
6 of a State may not publish and disseminate any  
7 draft or final redistricting plan, or take any other  
8 action, without the approval of at least—

9 (A) a majority of the whole membership of  
10 the commission; and

11 (B) at least one member of the commission  
12 appointed from each of the categories of the ap-  
13 proved selection pool described in section  
14 202(b)(1).

15 (3) QUORUM.—A majority of the members of  
16 the commission shall constitute a quorum.

17 (c) STAFF; CONTRACTORS.—

18 (1) STAFF.—Under a public application process  
19 in which all application materials are available for  
20 public inspection, the independent redistricting com-  
21 mission of a State shall appoint and set the pay of  
22 technical experts, legal counsel, consultants, and  
23 such other staff as it considers appropriate, subject  
24 to State law.

1           (2) CONTRACTORS.—The independent redistricting  
2           commission of a State may enter into such  
3           contracts with vendors as it considers appropriate,  
4           subject to State law, except that any such contract  
5           shall be valid only if approved by the vote of a ma-  
6           jority of the members of the commission, including  
7           at least one member appointed from each of the cat-  
8           egories of the approved selection pool described in  
9           section 202(b)(1).

10           (3) REPORTS ON EXPENDITURES FOR POLIT-  
11           ICAL ACTIVITY.—

12           (A) REPORT BY APPLICANTS.—Each indi-  
13           vidual who applies for a position as an employee  
14           of the independent redistricting commission and  
15           each vendor who applies for a contract with the  
16           commission shall, at the time of applying, file  
17           with the commission a report summarizing—

18                   (i) any expenditure for political activ-  
19                   ity made by such individual or vendor dur-  
20                   ing the 10 most recent calendar years; and

21                   (ii) any income received by such indi-  
22                   vidual or vendor during the 10 most recent  
23                   calendar years which is attributable to an  
24                   expenditure for political activity.

1           (B) ANNUAL REPORTS BY EMPLOYEES  
2           AND VENDORS.—Each person who is an em-  
3           ployee or vendor of the independent redis-  
4           tricting commission shall, not later than one  
5           year after the person is appointed as an em-  
6           ployee or enters into a contract as a vendor (as  
7           the case may be) and annually thereafter for  
8           each year during which the person serves as an  
9           employee or a vendor, file with the commission  
10          a report summarizing the expenditures and in-  
11          come described in subparagraph (A) during the  
12          10 most recent calendar years.

13          (C) EXPENDITURE FOR POLITICAL ACTIV-  
14          ITY DEFINED.—In this paragraph, the term  
15          “expenditure for political activity” means a dis-  
16          bursement for any of the following:

17                 (i) An independent expenditure, as de-  
18                 fined in section 301(17) of the Federal  
19                 Election Campaign Act of 1971 (52 U.S.C.  
20                 30101(17)).

21                 (ii) An electioneering communication,  
22                 as defined in section 304(f)(3) of such Act  
23                 (52 U.S.C. 30104(f)(3)) or any other pub-  
24                 lic communication, as defined in section  
25                 301(22) of such Act (52 U.S.C.

1           30101(22)) that would be an electioneering  
2           communication if it were a broadcast,  
3           cable, or satellite communication.

4           (iii) Any dues or other payments to  
5           trade associations or organizations de-  
6           scribed in section 501(c) of the Internal  
7           Revenue Code of 1986 and exempt from  
8           tax under section 501(a) of such Code that  
9           are, or could reasonably be anticipated to  
10          be, used or transferred to another associa-  
11          tion or organization for a use described in  
12          paragraph (1), (2), or (4) of section 501(c)  
13          of such Code.

14          (4) GOAL OF IMPARTIALITY.—The commission  
15          shall take such steps as it considers appropriate to  
16          ensure that any staff appointed under this sub-  
17          section, and any vendor with whom the commission  
18          enters into a contract under this subsection, will  
19          work in an impartial manner, and may require any  
20          person who applies for an appointment to a staff po-  
21          sition or for a vendor's contract with the commission  
22          to provide information on the person's history of po-  
23          litical activity beyond the information on the per-  
24          son's expenditures for political activity provided in  
25          the reports required under paragraph (3) (including

1 donations to candidates, political committees, and  
2 political parties) as a condition of the appointment  
3 or the contract.

4 (5) DISQUALIFICATION; WAIVER.—

5 (A) IN GENERAL.—The independent redis-  
6 tricting commission may not appoint an indi-  
7 vidual as an employee, and may not enter into  
8 a contract with a vendor, if the individual or  
9 vendor meets any of the criteria for the dis-  
10 qualification of an individual from serving as a  
11 member of the commission which are set forth  
12 in section 202(a)(2).

13 (B) WAIVER.—The commission may by  
14 unanimous vote of its members waive the appli-  
15 cation of subparagraph (A) to an individual or  
16 a vendor after receiving and reviewing the re-  
17 port filed by the individual or vendor under  
18 paragraph (3).

19 (d) TERMINATION.—

20 (1) IN GENERAL.—The independent redis-  
21 tricting commission of a State shall terminate on the  
22 earlier of—

23 (A) June 14 of the next year ending in the  
24 numeral zero; or

1 (B) the day on which the nonpartisan  
2 agency established or designated by a State  
3 under section 204(a) has, in accordance with  
4 section 202(b)(1), submitted a selection pool to  
5 the Select Committee on Redistricting for the  
6 State established under section 204(b).

7 (2) PRESERVATION OF RECORDS.—The State  
8 shall ensure that the records of the independent re-  
9 districting commission are retained in the appro-  
10 priate State archive in such manner as may be nec-  
11 essary to enable the State to respond to any civil ac-  
12 tion brought with respect to congressional redis-  
13 tricting in the State.

14 **SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
15 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
16 **OF COMMISSION.**

17 (a) CRITERIA FOR ELIGIBILITY.—

18 (1) IN GENERAL.—An individual is eligible to  
19 serve as a member of an independent redistricting  
20 commission if the individual meets each of the fol-  
21 lowing criteria:

22 (A) As of the date of appointment, the in-  
23 dividual is registered to vote in elections for  
24 Federal office held in the State.

1 (B) During the 3-year period ending on  
2 the date of the individual's appointment, the in-  
3 dividual has been continuously registered to  
4 vote with the same political party, or has not  
5 been registered to vote with any political party.

6 (C) The individual submits to the non-  
7 partisan agency established or designated by a  
8 State under section 203, at such time and in  
9 such form as the agency may require, an appli-  
10 cation for inclusion in the selection pool under  
11 this section, and includes with the application a  
12 written statement, with an attestation under  
13 penalty of perjury, containing the following in-  
14 formation and assurances:

15 (i) The full current name and any  
16 former names of, and the contact informa-  
17 tion for, the individual, including an elec-  
18 tronic mail address, the address of the in-  
19 dividual's residence, mailing address, and  
20 telephone numbers.

21 (ii) The individual's race, ethnicity,  
22 gender, age, date of birth, and household  
23 income for the most recent taxable year.

24 (iii) The political party with which the  
25 individual is affiliated, if any.

1 (iv) The reason or reasons the indi-  
2 vidual desires to serve on the independent  
3 redistricting commission, the individual's  
4 qualifications, and information relevant to  
5 the ability of the individual to be fair and  
6 impartial, including, but not limited to—

7 (I) any involvement with, or fi-  
8 nancial support of, professional, so-  
9 cial, political, religious, or community  
10 organizations or causes; and

11 (II) the individual's employment  
12 and educational history.

13 (v) An assurance that the individual  
14 shall commit to carrying out the individ-  
15 ual's duties under this Act in an honest,  
16 independent, and impartial fashion, and to  
17 upholding public confidence in the integrity  
18 of the redistricting process.

19 (vi) An assurance that, during the  
20 covered periods described in paragraph (3),  
21 the individual has not taken and will not  
22 take any action which would disqualify the  
23 individual from serving as a member of the  
24 commission under paragraph (2).

1           (2) DISQUALIFICATIONS.—An individual is not  
2 eligible to serve as a member of the commission if  
3 any of the following applies during any of the cov-  
4 ered periods described in paragraph (3):

5           (A) The individual or (in the case of the  
6 covered periods described in subparagraphs (A)  
7 and (B) of paragraph (3)) an immediate family  
8 member of the individual holds public office or  
9 is a candidate for election for public office.

10          (B) The individual or (in the case of the  
11 covered periods described in subparagraphs (A)  
12 and (B) of paragraph (3)) an immediate family  
13 member of the individual serves as an officer of  
14 a political party or as an officer, employee, or  
15 paid consultant of a campaign committee of a  
16 candidate for public office or of any political ac-  
17 tion committee (as determined in accordance  
18 with the law of the State).

19          (C) The individual or (in the case of the  
20 covered periods described in subparagraphs (A)  
21 and (B) of paragraph (3)) an immediate family  
22 member of the individual holds a position as a  
23 registered lobbyist under the Lobbying Disclo-  
24 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
25 equivalent State or local law.

1           (D) The individual or (in the case of the  
2 covered periods described in subparagraphs (A)  
3 and (B) of paragraph (3)) an immediate family  
4 member of the individual is an employee of an  
5 elected public official, a contractor with the gov-  
6 ernment of the State, or a donor to the cam-  
7 paign of any candidate for public office or to  
8 any political action committee (other than a  
9 donor who, during any of such covered periods,  
10 gives an aggregate amount of \$1,000 or less to  
11 the campaigns of all candidates for all public  
12 offices and to all political action committees).

13           (E) The individual or (in the case of the  
14 covered periods described in subparagraphs (A)  
15 and (B) of paragraph (3)) an immediate family  
16 member of the individual paid a civil money  
17 penalty or criminal fine, or was sentenced to a  
18 term of imprisonment, for violating any provi-  
19 sion of the Federal Election Campaign Act of  
20 1971 (52 U.S.C. 30101 et seq.).

21           (F) The individual or (in the case of the  
22 covered periods described in subparagraphs (A)  
23 and (B) of paragraph (3)) an immediate family  
24 member of the individual is an agent of a for-  
25 eign principal under the Foreign Agents Reg-

1           istration Act of 1938, as amended (22 U.S.C.  
2           611 et seq.).

3           (3) COVERED PERIODS DESCRIBED.—In this  
4           subsection, the term “covered period” means, with  
5           respect to the appointment of an individual to the  
6           commission, any of the following:

7                   (A) The 10-year period ending on the date  
8                   of the individual’s appointment.

9                   (B) The period beginning on the date of  
10                  the individual’s appointment and ending on Au-  
11                  gust 14 of the next year ending in the numeral  
12                  one.

13                  (C) The 10-year period beginning on the  
14                  day after the last day of the period described in  
15                  subparagraph (B).

16           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
17           this subsection, the term “immediate family mem-  
18           ber” means, with respect to an individual, a father,  
19           stepfather, mother, stepmother, son, stepson, daugh-  
20           ter, stepdaughter, brother, stepbrother, sister, step-  
21           sister, husband, wife, father-in-law, or mother-in-  
22           law.

23           (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
24           POOL.—

1           (1) IN GENERAL.—Not later than June 15 of  
2 each year ending in the numeral zero, the non-  
3 partisan agency established or designated by a State  
4 under section 204(a) shall develop and submit to the  
5 Select Committee on Redistricting for the State es-  
6 tablished under section 204(b) a selection pool of 36  
7 individuals who are eligible to serve as members of  
8 the independent redistricting commission of the  
9 State under this Act, consisting of individuals in the  
10 following categories:

11           (A) A majority category, consisting of 12  
12 individuals who are affiliated with the political  
13 party whose candidate received the most votes  
14 in the most recent Statewide election for Fed-  
15 eral office held in the State.

16           (B) A minority category, consisting of 12  
17 individuals who are affiliated with the political  
18 party whose candidate received the second most  
19 votes in the most recent Statewide election for  
20 Federal office held in the State.

21           (C) An independent category, consisting of  
22 12 individuals who are not affiliated with either  
23 of the political parties described in subpara-  
24 graph (A) or subparagraph (B).

1           (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
2           OPING POOL.—In selecting individuals for the selec-  
3           tion pool under this subsection, the nonpartisan  
4           agency shall—

5                   (A) ensure that the pool is representative  
6                   of the demographic groups (including racial,  
7                   ethnic, economic, and gender) and geographic  
8                   regions of the State, and includes applicants  
9                   who would allow racial, ethnic, and language  
10                  minorities protected under the Voting Rights  
11                  Act of 1965 a meaningful opportunity to par-  
12                  ticipate in the development of the State’s redis-  
13                  tricting plan; and

14                  (B) take into consideration the analytical  
15                  skills of the individuals selected in relevant  
16                  fields (including mapping, data management,  
17                  law, community outreach, demography, and the  
18                  geography of the State) and their ability to  
19                  work on an impartial basis.

20           (3) INTERVIEWS OF APPLICANTS.—To assist  
21           the nonpartisan agency in developing the selection  
22           pool under this subsection, the nonpartisan agency  
23           shall conduct interviews of applicants under oath. If  
24           an individual is included in a selection pool devel-  
25           oped under this section, all of the interviews of the

1 individual shall be transcribed and the transcriptions  
2 made available on the nonpartisan agency's website  
3 contemporaneously with release of the report under  
4 paragraph (6).

5 (4) DETERMINATION OF POLITICAL PARTY AF-  
6 FILLATION OF INDIVIDUALS IN SELECTION POOL.—  
7 For purposes of this section, an individual shall be  
8 considered to be affiliated with a political party only  
9 if the nonpartisan agency is able to verify (to the  
10 greatest extent possible) the information the indi-  
11 vidual provides in the application submitted under  
12 subsection (a)(1)(D), including by considering addi-  
13 tional information provided by other persons with  
14 knowledge of the individual's history of political ac-  
15 tivity.

16 (5) ENCOURAGING RESIDENTS TO APPLY FOR  
17 INCLUSION IN POOL.—The nonpartisan agency shall  
18 take such steps as may be necessary to ensure that  
19 residents of the State across various geographic re-  
20 gions and demographic groups are aware of the op-  
21 portunity to serve on the independent redistricting  
22 commission, including publicizing the role of the  
23 panel and using newspapers, broadcast media, and  
24 online sources, including ethnic media, to encourage

1 individuals to apply for inclusion in the selection  
2 pool developed under this subsection.

3 (6) REPORT ON ESTABLISHMENT OF SELEC-  
4 TION POOL.—At the time the nonpartisan agency  
5 submits the selection pool to the Select Committee  
6 on Redistricting under paragraph (1), it shall pub-  
7 lish and post on the agency’s public website a report  
8 describing the process by which the pool was devel-  
9 oped, and shall include in the report a description of  
10 how the individuals in the pool meet the eligibility  
11 criteria of subsection (a) and of how the pool reflects  
12 the factors the agency is required to take into con-  
13 sideration under paragraph (2).

14 (7) PUBLIC COMMENT ON SELECTION POOL.—  
15 During the 14-day period which begins on the date  
16 the nonpartisan agency publishes the report under  
17 paragraph (6), the agency shall accept comments  
18 from the public on the individuals included in the se-  
19 lection pool. The agency shall post all such com-  
20 ments contemporaneously on the nonpartisan agen-  
21 cy’s website and shall transmit them to the Select  
22 Committee on Redistricting immediately upon the  
23 expiration of such period.

24 (8) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not earlier than 15  
2 days and not later than 21 days after receiving  
3 the selection pool from the nonpartisan agency  
4 under paragraph (1), the Select Committee on  
5 Redistricting shall—

6 (i) approve the pool as submitted by  
7 the nonpartisan agency, in which case the  
8 pool shall be considered the approved selec-  
9 tion pool for purposes of section 201(a)(1);  
10 or

11 (ii) reject the pool, in which case the  
12 nonpartisan agency shall develop and sub-  
13 mit a replacement selection pool in accord-  
14 ance with subsection (c).

15 (B) INACTION DEEMED REJECTION.—If  
16 the Select Committee on Redistricting fails to  
17 approve or reject the pool within the deadline  
18 set forth in subparagraph (A), the Select Com-  
19 mittee shall be deemed to have rejected the pool  
20 for purposes of such subparagraph.

21 (c) DEVELOPMENT OF REPLACEMENT SELECTION  
22 POOL.—

23 (1) IN GENERAL.—If the Select Committee on  
24 Redistricting rejects the selection pool submitted by  
25 the nonpartisan agency under subsection (b), not

1 later than 14 days after the rejection, the non-  
2 partisan agency shall develop and submit to the Se-  
3 lect Committee a replacement selection pool, under  
4 the same terms and conditions that applied to the  
5 development and submission of the selection pool  
6 under paragraphs (1) through (7) of subsection (b).  
7 The replacement pool submitted under this para-  
8 graph may include individuals who were included in  
9 the rejected selection pool submitted under sub-  
10 section (b), so long as at least one of the individuals  
11 in the replacement pool was not included in such re-  
12 jected pool.

13 (2) ACTION BY SELECT COMMITTEE.—

14 (A) IN GENERAL.—Not later than 21 days  
15 after receiving the replacement selection pool  
16 from the nonpartisan agency under paragraph  
17 (1), the Select Committee on Redistricting  
18 shall—

19 (i) approve the pool as submitted by  
20 the nonpartisan agency, in which case the  
21 pool shall be considered the approved selec-  
22 tion pool for purposes of section 201(a)(1);  
23 or

24 (ii) reject the pool, in which case the  
25 nonpartisan agency shall develop and sub-

1                   mit a second replacement selection pool in  
2                   accordance with subsection (d).

3                   (B) INACTION DEEMED REJECTION.—If  
4                   the Select Committee on Redistricting fails to  
5                   approve or reject the pool within the deadline  
6                   set forth in subparagraph (A), the Select Com-  
7                   mittee shall be deemed to have rejected the pool  
8                   for purposes of such subparagraph.

9                   (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
10                  LECTION POOL.—

11                  (1) IN GENERAL.—If the Select Committee on  
12                  Redistricting rejects the replacement selection pool  
13                  submitted by the nonpartisan agency under sub-  
14                  section (c), not later than 14 days after the rejec-  
15                  tion, the nonpartisan agency shall develop and sub-  
16                  mit to the Select Committee a second replacement  
17                  selection pool, under the same terms and conditions  
18                  that applied to the development and submission of  
19                  the selection pool under paragraphs (1) through (7)  
20                  of subsection (b). The second replacement selection  
21                  pool submitted under this paragraph may include in-  
22                  dividuals who were included in the rejected selection  
23                  pool submitted under subsection (b) or the rejected  
24                  replacement selection pool submitted under sub-  
25                  section (c), so long as at least one of the individuals

1 in the replacement pool was not included in either  
2 such rejected pool.

3 (2) ACTION BY SELECT COMMITTEE.—

4 (A) IN GENERAL.—Not earlier than 15  
5 days and not later than 14 days after receiving  
6 the second replacement selection pool from the  
7 nonpartisan agency under paragraph (1), the  
8 Select Committee on Redistricting shall—

9 (i) approve the pool as submitted by  
10 the nonpartisan agency, in which case the  
11 pool shall be considered the approved selec-  
12 tion pool for purposes of section 201(a)(1);  
13 or

14 (ii) reject the pool.

15 (B) INACTION DEEMED REJECTION.—If  
16 the Select Committee on Redistricting fails to  
17 approve or reject the pool within the deadline  
18 set forth in subparagraph (A), the Select Com-  
19 mittee shall be deemed to have rejected the pool  
20 for purposes of such subparagraph.

21 (C) EFFECT OF REJECTION.—If the Select  
22 Committee on Redistricting rejects the second  
23 replacement pool from the nonpartisan agency  
24 under paragraph (1), the redistricting plan for

1 the State shall be developed and enacted in ac-  
2 cordance with title III.

3 **SEC. 203. CRITERIA FOR REDISTRICTING PLAN BY INDE-**  
4 **PENDENT COMMISSION; PUBLIC NOTICE AND**  
5 **INPUT.**

6 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

7 (1) CRITERIA.—In developing a redistricting  
8 plan of a State, the independent redistricting com-  
9 mission of a State shall establish single-member con-  
10 gressional districts using the following criteria as set  
11 forth in the following order of priority:

12 (A) Districts shall comply with the United  
13 States Constitution, including the requirement  
14 that they equalize total population.

15 (B) Districts shall comply with the Voting  
16 Rights Act of 1965 (52 U.S.C. 10301 et seq.)  
17 and all applicable Federal laws.

18 (C) Districts shall provide racial, ethnic,  
19 and language minorities with an equal oppor-  
20 tunity to participate in the political process and  
21 to elect candidates of choice and shall not dilute  
22 or diminish their ability to elect candidates of  
23 choice whether alone or in coalition with others.

24 (D) Districts shall respect communities of  
25 interest, neighborhoods, and political subdivi-

1           sions to the extent practicable and after compli-  
2           ance with the requirements of subparagraphs  
3           (A) through (C). A community of interest is de-  
4           fined as an area with recognized similarities of  
5           interests, including but not limited to ethnic,  
6           racial, economic, social, cultural, geographic, or  
7           historic identities. The term communities of in-  
8           terest may, in certain circumstances, include  
9           political subdivisions such as counties, munici-  
10          palities, or school districts, but shall not include  
11          common relationships with political parties or  
12          political candidates.

13           (2) NO FAVORING OR DISFAVORING OF POLIT-  
14          ICAL PARTIES.—Except as may be required to meet  
15          the criteria described in paragraph (1), the redistricting  
16          plan developed by the independent redistricting  
17          commission shall not, when considered on a  
18          Statewide basis, unduly favor or disfavor any polit-  
19          ical party.

20           (3) FACTORS PROHIBITED FROM CONSIDER-  
21          ATION.—In developing the redistricting plan for the  
22          State, the independent redistricting commission may  
23          not take into consideration any of the following fac-  
24          tors, except to the extent necessary to comply with  
25          the criteria described in subparagraphs (A) through

1 (C) of paragraph (1), paragraph (2), and to enable  
2 the redistricting plan to be measured against the ex-  
3 ternal metrics described in subsection (e):

4 (A) The residence of any Member of the  
5 House of Representatives or candidate.

6 (B) The political party affiliation or voting  
7 history of the population of a district.

8 (b) PUBLIC NOTICE AND INPUT.—

9 (1) USE OF OPEN AND TRANSPARENT PROC-  
10 ESS.—The independent redistricting commission of a  
11 State shall hold each of its meetings in public, shall  
12 solicit and take into consideration comments from  
13 the public, including proposed maps, throughout the  
14 process of developing the redistricting plan for the  
15 State, and shall carry out its duties in an open and  
16 transparent manner which provides for the widest  
17 public dissemination reasonably possible of its pro-  
18 posed and final redistricting plans.

19 (2) WEBSITE.—

20 (A) FEATURES.—The commission shall  
21 maintain a public internet site which is not af-  
22 filiated with or maintained by the office of any  
23 elected official and which includes the following  
24 features:

1 (i) General information on the com-  
2 mission, its role in the redistricting proc-  
3 ess, and its members, including contact in-  
4 formation.

5 (ii) An updated schedule of commis-  
6 sion hearings and activities, including  
7 deadlines for the submission of comments.

8 (iii) All draft redistricting plans devel-  
9 oped by the commission under subsection  
10 (c) and the final redistricting plan devel-  
11 oped under subsection (d), including the  
12 accompanying written evaluation under  
13 subsection (e).

14 (iv) All comments received from the  
15 public on the commission's activities, in-  
16 cluding any proposed maps submitted  
17 under paragraph (1).

18 (v) Live streaming of commission  
19 hearings and an archive of previous meet-  
20 ings, including any documents considered  
21 at any such meeting, which the commission  
22 shall post not later than 24 hours after the  
23 conclusion of the meeting.

24 (vi) Access in an easily useable format  
25 to the demographic and other data used by

1 the commission to develop and analyze the  
2 proposed redistricting plans, together with  
3 access to any software used to draw maps  
4 of proposed districts and to any reports  
5 analyzing and evaluating any such maps.

6 (vii) A method by which members of  
7 the public may submit comments and pro-  
8 posed maps directly to the commission.

9 (viii) All records of the commission,  
10 including all communications to or from  
11 members, employees, and contractors re-  
12 garding the work of the commission.

13 (ix) A list of all contractors receiving  
14 payment from the commission, together  
15 with the annual disclosures submitted by  
16 the contractors under section 201(e)(3).

17 (x) A list of the names of all individ-  
18 uals who submitted applications to serve  
19 on the commission, together with the appli-  
20 cations submitted by individuals included  
21 in any selection pool, except that the com-  
22 mission may redact from such applications  
23 any financial or other personally sensitive  
24 information.

1           (B) SEARCHABLE FORMAT.—The commis-  
2           sion shall ensure that all information posted  
3           and maintained on the site under this para-  
4           graph, including information and proposed  
5           maps submitted by the public, shall be main-  
6           tained in an easily searchable format.

7           (C) DEADLINE.—The commission shall en-  
8           sure that the public internet site under this  
9           paragraph is operational (in at least a prelimi-  
10          nary format) not later than January 1 of the  
11          year ending in the numeral one.

12          (3) PUBLIC COMMENT PERIOD.—The commis-  
13          sion shall solicit, accept, and consider comments  
14          from the public with respect to its duties, activities,  
15          and procedures at any time during the period—

16                (A) which begins on January 1 of the year  
17                ending in the numeral one; and

18                (B) which ends 7 days before the date of  
19                the meeting at which the commission shall vote  
20                on approving the final redistricting plan for en-  
21                actment into law under subsection (d)(2).

22          (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
23          GRAPHIC LOCATIONS.—To the greatest extent prac-  
24          ticable, the commission shall hold its meetings and

1       hearings in various geographic regions and locations  
2       throughout the State.

3               (5) MULTIPLE LANGUAGE REQUIREMENTS FOR  
4       ALL NOTICES.—The commission shall make each no-  
5       tice which is required to be posted and published  
6       under this section available in any language in which  
7       the State (or any jurisdiction in the State) is re-  
8       quired to provide election materials under section  
9       203 of the Voting Rights Act of 1965.

10       (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
11       NARY REDISTRICTING PLAN.—

12               (1) IN GENERAL.—Prior to developing and pub-  
13       lishing a final redistricting plan under subsection  
14       (d), the independent redistricting commission of a  
15       State shall develop and publish a preliminary redis-  
16       tricting plan.

17               (2) MINIMUM PUBLIC HEARINGS AND OPPOR-  
18       TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

19               (A) THREE HEARINGS REQUIRED.—Prior  
20       to developing a preliminary redistricting plan  
21       under this subsection, the commission shall hold  
22       not fewer than 3 public hearings at which mem-  
23       bers of the public may provide input and com-  
24       ments regarding the potential contents of redis-  
25       tricting plans for the State and the process by

1           which the commission will develop the prelimi-  
2           nary plan under this subsection.

3           (B) MINIMUM PERIOD FOR NOTICE PRIOR  
4           TO HEARINGS.—Not fewer than 14 days prior  
5           to the date of each hearing held under this  
6           paragraph, the commission shall post notices of  
7           the hearing on the website maintained under  
8           subsection (b)(2), and shall provide for the pub-  
9           lication of such notices in newspapers of general  
10          circulation throughout the State. Each such no-  
11          tice shall specify the date, time, and location of  
12          the hearing.

13          (C) SUBMISSION OF PLANS AND MAPS BY  
14          MEMBERS OF THE PUBLIC.—Any member of  
15          the public may submit maps or portions of  
16          maps for consideration by the commission. As  
17          provided under subsection (b)(2)(A), any such  
18          map shall be made publicly available on the  
19          commission’s website and open to comment.

20          (3) PUBLICATION OF PRELIMINARY PLAN.—

21          (A) IN GENERAL.—The commission shall  
22          post the preliminary redistricting plan devel-  
23          oped under this subsection, together with a re-  
24          port that includes the commission’s responses  
25          to any public comments received under sub-

1 section (b)(3), on the website maintained under  
2 subsection (b)(2), and shall provide for the pub-  
3 lication of each such plan in newspapers of gen-  
4 eral circulation throughout the State.

5 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
6 TO PUBLICATION.—Not fewer than 14 days  
7 prior to the date on which the commission posts  
8 and publishes the preliminary plan under this  
9 paragraph, the commission shall notify the pub-  
10 lic through the website maintained under sub-  
11 section (b)(2), as well as through publication of  
12 notice in newspapers of general circulation  
13 throughout the State, of the pending publica-  
14 tion of the plan.

15 (4) MINIMUM POST-PUBLICATION PERIOD FOR  
16 PUBLIC COMMENT.—The commission shall accept  
17 and consider comments from the public (including  
18 through the website maintained under subsection  
19 (b)(2)) with respect to the preliminary redistricting  
20 plan published under paragraph (3), including pro-  
21 posed revisions to maps, for not fewer than 30 days  
22 after the date on which the plan is published.

23 (5) POST-PUBLICATION HEARINGS.—

24 (A) THREE HEARINGS REQUIRED.—After  
25 posting and publishing the preliminary redis-

1           tricting plan under paragraph (3), the commis-  
2           sion shall hold not fewer than 3 public hearings  
3           in different geographic areas of the State at  
4           which members of the public may provide input  
5           and comments regarding the preliminary plan.

6           (B) MINIMUM PERIOD FOR NOTICE PRIOR  
7           TO HEARINGS.—Not fewer than 14 days prior  
8           to the date of each hearing held under this  
9           paragraph, the commission shall post notices of  
10          the hearing on the website maintained under  
11          subsection (b)(2), and shall provide for the pub-  
12          lication of such notices in newspapers of general  
13          circulation throughout the State. Each such no-  
14          tice shall specify the date, time, and location of  
15          the hearing.

16          (6) PERMITTING MULTIPLE PRELIMINARY  
17          PLANS.—At the option of the commission, after de-  
18          veloping and publishing the preliminary redistricting  
19          plan under this subsection, the commission may de-  
20          velop and publish subsequent preliminary redis-  
21          tricting plans, so long as the process for the develop-  
22          ment and publication of each such subsequent plan  
23          meets the requirements set forth in this subsection  
24          for the development and publication of the first pre-  
25          liminary redistricting plan.

1 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
2 TRICTING PLAN.—

3 (1) IN GENERAL.—After taking into consider-  
4 ation comments from the public on any preliminary  
5 redistricting plan developed and published under  
6 subsection (c), the independent redistricting commis-  
7 sion of a State shall develop and publish a final re-  
8 districting plan for the State.

9 (2) MEETING; FINAL VOTE.—Not later than the  
10 deadline specified in subsection (h), the commission  
11 shall hold a public hearing at which the members of  
12 the commission shall vote on approving the final  
13 plan for enactment into law.

14 (3) PUBLICATION OF PLAN AND ACCOMPANYING  
15 MATERIALS.—Not fewer than 14 days before the  
16 date of the meeting under paragraph (2), the com-  
17 mission shall provide the following information to  
18 the public through the website maintained under  
19 subsection (b)(2), as well as through newspapers of  
20 general circulation throughout the State:

21 (A) The final redistricting plan, including  
22 all relevant maps.

23 (B) A report by the commission to accom-  
24 pany the plan which provides the background  
25 for the plan and the commission's reasons for

1 selecting the plan as the final redistricting plan,  
2 including responses to the public comments re-  
3 ceived on any preliminary redistricting plan de-  
4 veloped and published under subsection (c).

5 (C) Any dissenting or additional views with  
6 respect to the plan of individual members of the  
7 commission.

8 (4) ENACTMENT.—The final redistricting plan  
9 developed and published under this subsection shall  
10 be deemed to be enacted into law if—

11 (A) the plan is approved by a majority of  
12 the whole membership of the commission; and

13 (B) at least one member of the commission  
14 appointed from each of the categories of the ap-  
15 proved selection pool described in section  
16 202(b)(1) approves the plan.

17 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-  
18 TERNAL METRICS.—The independent redistricting com-  
19 mission shall include with each redistricting plan devel-  
20 oped and published under this section a written evaluation  
21 that measures each such plan against external metrics  
22 which cover the criteria set forth in paragraph (1) of sub-  
23 section (a), including the impact of the plan on the ability  
24 of communities of color to elect candidates of choice,  
25 measures of partisan fairness using multiple accepted

1 methodologies, and the degree to which the plan preserves  
2 or divides communities of interest.

3 (f) **TIMING.**—The independent redistricting commis-  
4 sion of a State may begin its work on the redistricting  
5 plan of the State upon receipt of relevant population infor-  
6 mation from the Bureau of the Census, and shall approve  
7 a final redistricting plan for the State in each year ending  
8 in the numeral one not later than 8 months after the date  
9 on which the State receives the State apportionment notice  
10 or October 1, whichever occurs later.

11 **SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.**

12 (a) **ESTABLISHMENT OR DESIGNATION OF NON-**  
13 **PARTISAN AGENCY OF STATE LEGISLATURE.**—

14 (1) **IN GENERAL.**—Each State shall establish a  
15 nonpartisan agency in the legislative branch of the  
16 State government to appoint the members of the  
17 independent redistricting commission for the State  
18 in accordance with section 201.

19 (2) **NONPARTISANSHIP DESCRIBED.**—For pur-  
20 poses of this subsection, an agency shall be consid-  
21 ered to be nonpartisan if under law the agency—

22 (A) is required to provide services on a  
23 nonpartisan basis;

24 (B) is required to maintain impartiality;

25 and

1 (C) is prohibited from advocating for the  
2 adoption or rejection of any legislative proposal.

3 (3) TRAINING OF MEMBERS APPOINTED TO  
4 COMMISSION.—Not later than January 15 of a year  
5 ending in the numeral one, the nonpartisan agency  
6 established or designated under this subsection shall  
7 provide the members of the independent redistricting  
8 commission with initial training on their obligations  
9 as members of the commission, including obligations  
10 under the Voting Rights Act of 1965 and other ap-  
11 plicable laws.

12 (4) REGULATIONS.—The nonpartisan agency  
13 established or designated under this subsection shall  
14 adopt and publish regulations, after notice and op-  
15 portunity for comment, establishing the procedures  
16 that the agency will follow in fulfilling its duties  
17 under this Act, including the procedures to be used  
18 in vetting the qualifications and political affiliation  
19 of applicants and in creating the selection pools, the  
20 randomized process to be used in selecting the initial  
21 members of the independent redistricting commis-  
22 sion, and the rules that the agency will apply to en-  
23 sure that the agency carries out its duties under this  
24 Act in a maximally transparent, publicly accessible,  
25 and impartial manner.

1           (5) DESIGNATION OF EXISTING AGENCY.—At  
2           its option, a State may designate an existing agency  
3           in the legislative branch of its government to appoint  
4           the members of the independent redistricting com-  
5           mission plan for the State under this Act, so long  
6           as the agency meets the requirements for non-  
7           partisanship under this subsection.

8           (6) TERMINATION OF AGENCY SPECIFICALLY  
9           ESTABLISHED FOR REDISTRICTING.—If a State does  
10          not designate an existing agency under paragraph  
11          (5) but instead establishes a new agency to serve as  
12          the nonpartisan agency under this section, the new  
13          agency shall terminate upon the enactment into law  
14          of the redistricting plan for the State.

15          (7) PRESERVATION OF RECORDS.—The State  
16          shall ensure that the records of the nonpartisan  
17          agency are retained in the appropriate State archive  
18          in such manner as may be necessary to enable the  
19          State to respond to any civil action brought with re-  
20          spect to congressional redistricting in the State.

21          (8) DEADLINE.—The State shall meet the re-  
22          quirements of this subsection not later than each  
23          October 15 of a year ending in the numeral nine.

24          (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
25          DISTRICTING.—

1           (1) IN GENERAL.—Each State shall appoint a  
2           Select Committee on Redistricting to approve or dis-  
3           approve a selection pool developed by the inde-  
4           pendent redistricting commission for the State under  
5           section 202.

6           (2) APPOINTMENT.—The Select Committee on  
7           Redistricting for a State under this subsection shall  
8           consist of the following members:

9                   (A) One member of the upper house of the  
10                  State legislature, who shall be appointed by the  
11                  leader of the party with the greatest number of  
12                  seats in the upper house.

13                  (B) One member of the upper house of the  
14                  State legislature, who shall be appointed by the  
15                  leader of the party with the second greatest  
16                  number of seats in the upper house.

17                  (C) One member of the lower house of the  
18                  State legislature, who shall be appointed by the  
19                  leader of the party with the greatest number of  
20                  seats in the lower house.

21                  (D) One member of the lower house of the  
22                  State legislature, who shall be appointed by the  
23                  leader of the party with the second greatest  
24                  number of seats in the lower house.

1           (3) SPECIAL RULE FOR STATES WITH UNICAM-  
2           ERAL LEGISLATURE.—In the case of a State with a  
3           unicameral legislature, the Select Committee on Re-  
4           districting for the State under this subsection shall  
5           consist of the following members:

6                   (A) Two members of the State legislature  
7                   appointed by the chair of the political party of  
8                   the State whose candidate received the highest  
9                   percentage of votes in the most recent State-  
10                  wide election for Federal office held in the  
11                  State.

12                  (B) Two members of the State legislature  
13                  appointed by the chair of the political party  
14                  whose candidate received the second highest  
15                  percentage of votes in the most recent State-  
16                  wide election for Federal office held in the  
17                  State.

18           (4) DEADLINE.—The State shall meet the re-  
19           quirements of this subsection not later than each  
20           January 15 of a year ending in the numeral zero.

21 **SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF**  
22                   **INDEPENDENT REDISTRICTING COMMIS-**  
23                   **SIONS.**

24           Not later than May 15 of a year ending in the nu-  
25           meral one, the Comptroller General of the United States

1 shall submit to Congress a report on the extent to which  
2 the memberships of independent redistricting commissions  
3 for States established under this title with respect to the  
4 immediately preceding year ending in the numeral zero  
5 meet the diversity requirements as provided for in sections  
6 201(a)(2)(B) and 202(b)(2).

7 **TITLE III—ROLE OF COURTS IN**  
8 **DEVELOPMENT OF REDIS-**  
9 **TRICTING PLANS**

10 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
11 **COURT.**

12 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
13 gering events described in subsection (f) occur with re-  
14 spect to a State—

15 (1) not later than December 15 of the year in  
16 which the triggering event occurs, the United States  
17 district court for the applicable venue, acting  
18 through a 3-judge Court convened pursuant to sec-  
19 tion 2284 of title 28, United States Code, shall de-  
20 velop and publish the congressional redistricting  
21 plan for the State; and

22 (2) the final plan developed and published by  
23 the Court under this section shall be deemed to be  
24 enacted on the date on which the Court publishes  
25 the final plan, as described in subsection (d).

1 (b) APPLICABLE VENUE DESCRIBED.—For purposes  
2 of this section, the “applicable venue” with respect to a  
3 State is the District of Columbia or the judicial district  
4 in which the capital of the State is located, as selected  
5 by the first party to file with the court sufficient evidence  
6 of the occurrence of a triggering event described in sub-  
7 section (f).

8 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

9 (1) CRITERIA.—In developing a redistricting  
10 plan for a State under this section, the Court shall  
11 adhere to the same terms and conditions that ap-  
12 plied (or that would have applied, as the case may  
13 be) to the development of a plan by the independent  
14 redistricting commission of the State under section  
15 203(a).

16 (2) ACCESS TO INFORMATION AND RECORDS OF  
17 COMMISSION.—The Court shall have access to any  
18 information, data, software, or other records and  
19 material that was used (or that would have been  
20 used, as the case may be) by the independent redis-  
21 tricting commission of the State in carrying out its  
22 duties under this Act.

23 (3) HEARING; PUBLIC PARTICIPATION.—In de-  
24 veloping a redistricting plan for a State, the Court  
25 shall—

1 (A) hold one or more evidentiary hearings  
2 at which interested members of the public may  
3 appear and be heard and present testimony, in-  
4 cluding expert testimony, in accordance with  
5 the rules of the Court; and

6 (B) consider other submissions and com-  
7 ments by the public, including proposals for re-  
8 districting plans to cover the entire State or  
9 any portion of the State.

10 (4) USE OF SPECIAL MASTER.—To assist in the  
11 development and publication of a redistricting plan  
12 for a State under this section, the Court may ap-  
13 point a special master to make recommendations to  
14 the Court on possible plans for the State.

15 (d) PUBLICATION OF PLAN.—

16 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—  
17 Upon completing the development of one or more  
18 initial redistricting plans, the Court shall make the  
19 plans available to the public at no cost, and shall  
20 also make available the underlying data used by the  
21 Court to develop the plans and a written evaluation  
22 of the plans against external metrics (as described in  
23 section 203(e)).

24 (2) PUBLICATION OF FINAL PLAN.—At any  
25 time after the expiration of the 14-day period which

1 begins on the date the Court makes the plans avail-  
2 able to the public under paragraph (1), and taking  
3 into consideration any submissions and comments by  
4 the public which are received during such period, the  
5 Court shall develop and publish the final redistricting  
6 plan for the State.

7 (e) USE OF INTERIM PLAN.—In the event that the  
8 Court is not able to develop and publish a final redistricting  
9 plan for the State with sufficient time for an upcoming  
10 election to proceed, the Court may develop and  
11 publish an interim redistricting plan which shall serve as  
12 the redistricting plan for the State until the Court develops  
13 and publishes a final plan in accordance with this section.  
14 Nothing in this subsection may be construed to limit  
15 or otherwise affect the authority or discretion of the Court  
16 to develop and publish the final redistricting plan, including  
17 but not limited to the discretion to make any changes  
18 the Court deems necessary to an interim redistricting  
19 plan.

20 (f) TRIGGERING EVENTS DESCRIBED.—The “triggering  
21 events” described in this subsection are as follows:

22 (1) The failure of the State to establish or designate  
23 a nonpartisan agency of the State legislature under section  
24 204(a) prior to the expiration of the deadline set forth in  
25 section 204(a)(5).

1           (2) The failure of the State to appoint a Select  
2           Committee on Redistricting under section 204(b)  
3           prior to the expiration of the deadline set forth in  
4           section 204(b)(4).

5           (3) The failure of the Select Committee on Re-  
6           districting to approve any selection pool under sec-  
7           tion 202 prior to the expiration of the deadline set  
8           forth for the approval of the second replacement se-  
9           lection pool in section 202(d)(2).

10          (4) The failure of the independent redistricting  
11          commission of the State to approve a final redis-  
12          tricting plan for the State prior to the expiration of  
13          the deadline set forth in section 203(f).

14   **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**  
15                           **UNDER ORDER OF FEDERAL COURT.**

16          If a Federal court requires a State to conduct redis-  
17          tricting subsequent to an apportionment of Representa-  
18          tives in the State in order to comply with the Constitution  
19          or to enforce the Voting Rights Act of 1965, section 203  
20          shall apply with respect to the redistricting, except that  
21          the court may revise any of the deadlines set forth in such  
22          section if the court determines that a revision is appro-  
23          priate in order to provide for a timely enactment of a new  
24          redistricting plan for the State.

1 **TITLE IV—ADMINISTRATIVE AND**  
2 **MISCELLANEOUS PROVISIONS**

3 **SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT RE-**  
4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-  
6 section (d), not later than 30 days after a State receives  
7 a State apportionment notice, the Election Assistance  
8 Commission shall, subject to the availability of appropria-  
9 tions provided pursuant to subsection (e), make a payment  
10 to the State in an amount equal to the product of—

11 (1) the number of Representatives to which the  
12 State is entitled, as provided under the notice; and

13 (2) \$150,000.

14 (b) USE OF FUNDS.—A State shall use the payment  
15 made under this section to establish and operate the  
16 State’s independent redistricting commission, to imple-  
17 ment the State redistricting plan, and to otherwise carry  
18 out congressional redistricting in the State.

19 (c) NO PAYMENT TO STATES WITH SINGLE MEM-  
20 BER.—The Election Assistance Commission shall not  
21 make a payment under this section to any State which  
22 is not entitled to more than one Representative under its  
23 State apportionment notice.

24 (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
25 CONDITION OF PAYMENT.—

1           (1) REQUIREMENT.—Except as provided in  
2 paragraph (2) and paragraph (3), the Election As-  
3 sistance Commission may not make a payment to a  
4 State under this section until the State certifies to  
5 the Commission that the nonpartisan agency estab-  
6 lished or designated by a State under section 204(a)  
7 has, in accordance with section 202(b)(1), submitted  
8 a selection pool to the Select Committee on Redis-  
9 tricting for the State established under section  
10 204(b).

11           (2) EXCEPTION FOR STATES WITH EXISTING  
12 COMMISSIONS.—In the case of a State which, pursu-  
13 ant to section 101(c), is exempt from the require-  
14 ments of section 101(a), the Commission may not  
15 make a payment to the State under this section until  
16 the State certifies to the Commission that its redis-  
17 tricting commission meets the requirements of sec-  
18 tion 101(c).

19           (3) EXCEPTION FOR STATE OF IOWA.—In the  
20 case of the State of Iowa, the Commission may not  
21 make a payment to the State under this section until  
22 the State certifies to the Commission that it will  
23 carry out congressional redistricting pursuant to the  
24 State’s apportionment notice in accordance with a  
25 plan developed by the Iowa Legislative Services

1 Agency with the assistance of a Temporary Redistricting Advisory Commission, as provided under the  
2 law described in section 101(d).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as may be  
5 necessary for payments under this section.

6 **SEC. 402. CIVIL ENFORCEMENT.**

7 (a) CIVIL ENFORCEMENT.—

8 (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
9 torney General may bring a civil action in an appro-  
10 priate district court for such relief as may be appro-  
11 priate to carry out this Act.

12 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
13 TION.—Any citizen of a State who is aggrieved by  
14 the failure of the State to meet the requirements of  
15 this Act may bring a civil action in the United  
16 States district court for the applicable venue for  
17 such relief as may be appropriate to remedy the fail-  
18 ure. For purposes of this section, the “applicable  
19 venue” is the District of Columbia or the judicial  
20 district in which the capital of the State is located,  
21 as selected by the person who brings the civil action.

22 (b) EXPEDITED CONSIDERATION.—In any action  
23 brought forth under this section, the following rules shall  
24 apply:

1           (1) The action shall be filed in the district court  
2 of the United States for the District of Columbia or  
3 for the judicial district in which the capital of the  
4 State is located, as selected by the person bringing  
5 the action.

6           (2) The action shall be heard by a 3-judge  
7 court convened pursuant to section 2284 of title 28,  
8 United States Code.

9           (3) The 3-judge court shall consolidate actions  
10 brought for relief under subsection (b)(1) with re-  
11 spect to the same State redistricting plan.

12           (4) A copy of the complaint shall be delivered  
13 promptly to the Clerk of the House of Representa-  
14 tives and the Secretary of the Senate.

15           (5) A final decision in the action shall be re-  
16 viewable only by appeal directly to the Supreme  
17 Court of the United States. Such appeal shall be  
18 taken by the filing of a notice of appeal within 10  
19 days, and the filing of a jurisdictional statement  
20 within 30 days, of the entry of the final decision.

21           (6) It shall be the duty of the district court and  
22 the Supreme Court of the United States to advance  
23 on the docket and to expedite to the greatest pos-  
24 sible extent the disposition of the action and appeal.

1 (c) ATTORNEY'S FEES.—In a civil action under this  
2 section, the court may allow the prevailing party (other  
3 than the United States) reasonable attorney fees, includ-  
4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

6 (1) RIGHTS AND REMEDIES ADDITIONAL TO  
7 OTHER RIGHTS AND REMEDIES.—The rights and  
8 remedies established by this section are in addition  
9 to all other rights and remedies provided by law, and  
10 neither the rights and remedies established by this  
11 section nor any other provision of this Act shall su-  
12 percede, restrict, or limit the application of the Vot-  
13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14 (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
15 this Act authorizes or requires conduct that is pro-  
16 hibited by the Voting Rights Act of 1965 (52 U.S.C.  
17 10301 et seq.).

18 **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this Act, the “State apportionment notice” means,  
20 with respect to a State, the notice sent to the State from  
21 the Clerk of the House of Representatives under section  
22 22(b) of the Act entitled “An Act to provide for the fif-  
23 teenth and subsequent decennial censuses and to provide  
24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a), of the number of  
2 Representatives to which the State is entitled.

3 **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**  
4 **LOCAL OFFICE.**

5 Nothing in this Act or in any amendment made by  
6 this Act may be construed to affect the manner in which  
7 a State carries out elections for State or local office, in-  
8 cluding the process by which a State establishes the dis-  
9 tricts used in such elections.

10 **SEC. 405. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall  
12 apply with respect to redistricting carried out pursuant to  
13 the decennial census conducted during 2020 or any suc-  
14 ceeding decennial census.

○